



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING

MARIANNE UDOW  
DIRECTOR

July 9, 2007

The Honorable Bill Hardiman, Chair  
Senate Appropriations Subcommittee on DHS  
Michigan State Senate  
Lansing, MI 48933

The Honorable Dudley Spade, Chair  
House Appropriations Subcommittee on DHS  
Michigan House of Representatives  
Lansing, MI 48933

Dear Senator Hardiman and Representative Spade:

Section 273(3) of 2006 Public Act No. 345 requires the Department of Human Services to report the annual regulatory plan submitted to the State Office of Administrative Hearings and Rules pursuant to section 53 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.253. Our report is attached.

If you have any questions about the attached material, please contact Luttrell Livingston, regulatory affairs officer for DHS at 373-2082.

Sincerely,

A handwritten signature in black ink, appearing to read "Marianne Udow".

Marianne Udow

Attachments

cc: Senate and House Appropriations Subcommittees on DHS  
Senate and House Fiscal Agencies  
Senate and House Policy Offices  
State Budget Director

**Department of Human Services  
Annual Regulatory Plan for 7/01/07 - 6/16/08**

Department: **Department of Human Services**  
Bureau or Office Name: **Bureau or Office Name: Children's Services**  
Section: **Children's Trust Fund**

Rule(s) to be <b>processed</b> between July 1, 2007 and June 30, 2008. [Give brief description.]	<b>R 722.751-722.756 Children's Trust Fund Grant Program</b> To prescribe a process for trust fund grants and related payments.
Rules to be <b>rescinded</b> between July 1, 2007 and June 30, 2008 [Give brief description]	None.
Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.	The office has exercised all of its statutory rulemaking authority.

Department  
Bureau or Office Name:  
Section:

**Department of Human Services**  
**Adult & Family Services**  
**Family Support Services/Income Support Programs**

Rule(s) to be <b>processed</b> between July 1, 2007 and June 30, 2008. [Give brief description.]	<b>R400.3601-400.3613 Employment and Training:</b> Many of these rules will be amended and some of these rules will be rescinded to update definitions, increase program flexibility, reduce confusion to the regulated population, improve safety of agency staff, eliminate outdated standards and comply with statutory requirements. These rules will allow DHS and DLEG the flexibility to change policies and/or procedures when laws, the economy, or philosophy changes and to support TANF Reauthorization and statutory changes.
Rules to be <b>rescinded</b> between July 1, 2007 and June 30, 2008 [Give brief description]	<p><b>R400.3601-400.3613 Employment and Training:</b> See above.</p> <p><b>R400.3601(v)</b> This rule has caused confusion for the regulated population.</p> <p><b>R400.3606(f)</b> This rule threatens agency staff safety because such behavior is treated as mere noncompliance and should instead result in more severe penalties.</p> <p><b>R400.3608</b> Financial assistance penalties. Rescind entire section and refer to MCL 400.57g.</p> <p><b>R400.3609</b> Member removal and case closure; effect on employment-related activities penalty. Rescind entire section and refer to MCL 400.57g.</p> <p><b>R400.3611</b> Subsequent applications for food stamp benefits after application denial or case closure due to comparable penalty. This related food stamp policy not consistent with federal food stamp regulations.</p> <p><b>R400.3613</b> Rule 13 was supposed to be rescinded 20 years ago.</p>
Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.	This office has exercised all of its statutory rulemaking authority.

Department: **Department of Human Services**  
 Bureau or Office Name: **Office of Early Education & Care**  
 Section: **Child Development & Care Program**

Rules to be <b>processed</b> between July 1, 2007 and June 20, 2008. (Give brief description.)	<b>[R400.5001-R400.5015) Child Day Care Program</b> SOAHR 2005-078 HS These rules stipulate requirements for child care providers and child care subsidy recipients.
Rules to be <b>rescinded</b> between July 1, 2007 and June 30, 2008. (Give brief description.)	The Office has not identified any rules to be rescinded.
Has the Department failed to exercise any mandatory/statutory rulemaking authority? (Explain)	The Office has exercised all of its statutory rulemaking authority.

Department:  
Bureau or Office Name:  
Section:

**Department of Human Services  
Office of Children and Adult Licensing  
Division of Adult Foster Care/Homes for the Aged Licensing**

<p>Rule(s) to be <b>processed</b> between July 1, 2007 and June 30, 2008. [Give brief description.]</p>	<p><b>[R325.1901 – R325.1981] Homes for the Aged:</b> These rules would be amended to update usage of terms, correct naming of the department and statutory references.</p> <p><b>[R325.1915] Homes for the Aged Licensing Rules:</b> R325.1915(5) – delete the <u>first</u> reference to MCL 333.20168, and replace with MCL 333.20162. The <u>first</u> reference to 20168 is in error. The second reference to MCL 333.20168 in the same subrule is correct.</p> <p><b>[R330.1801-R330.1809] Certification of Specialized Programs Offered in Adult Foster Care Home to Clients with Mental Illness or Developmental Disability:</b> These rules would be amended to update usage of terms, correct naming of the department and statutory references.</p> <p><b>[R400.1401-R400.1443] Adult Foster Care Family Homes:</b> These rules would be updated to reflect the care needs of the current population being served, and the usage of terms, correct naming of the department and statutory references.</p> <p><b>[R400.2101-R400.2122 &amp; R400.2401-R400.2475] Congregate Facilities (21 or more):</b> These rules would be amended to update usage of terms, correct naming of the department and statutory references.</p> <p><b>[R400.2201 – 400.2261] Fire Safety:</b> Homes licensed on or before March 27, 1980. These rules would be re-numbered to be sequential to rules for adult foster care homes licensed for 6 or less.</p> <p><b>[R400.14101-R400.14601] Adult Foster Care Small Group Homes for 1-12:</b> These rules would be amended to update usage of terms, correct naming of the department and statutory references.</p> <p><b>[R400.15101-R400.15411] Adult Foster Care Large Group Homes for 13-20:</b> These rules would be amended to update usage of terms, correct naming of the department and statutory references.</p>
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<p>Rules to be <b>rescinded</b> between July 1, 2007 and June 30, 2008 [Give brief description]</p>	<p><b>[R325.1901 – R325.1981] Homes for the Aged:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R325.1915] Homes for the Aged Licensing Rules:</b> R325.1915(5) – current rule to be rescinded to reflect error in rule reference.</p> <p><b>[R330.1801-R330.1809] Certification of Specialized Programs Offered in Adult Foster Care Home to Clients with Mental Illness or Developmental Disability:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R400.1401-R400.1443] Adult Foster Care Family Homes:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R400.2101-R400.2122 &amp; R400.2401-R400.2475] Congregate Facilities (21 or more):</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R400.2201 – 400.2261] Fire Safety:</b> Homes licensed on or before March 27, 1980. Current rules would be rescinded to reflect re-numbering of this rule set.</p> <p><b>[R400.15101-R400.15411] Adult Foster Care Large Group Homes for 13-20:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R400.14101-R400.14601] Adult Foster Care Small Group Homes for 1-12:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p>
<p>Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.</p>	<p>The office has exercised all of its statutory rulemaking authority.</p>

Department:  
Bureau or Office Name:  
Section:

**Department of Human Services  
Office of Children and Adult Licensing  
Division of Child Day Care Licensing**

<p>Rule(s) to be <b>processed</b> between July 1, 2007 and June 30, 2008. [Give brief description.]</p>	<p><b>[R400.5101-R400.5940] Child Care Centers</b> These rules will be revised for clarity and consistency. <b>[R 400.5101(b)(vi)]</b> clarify the definition of “school age” child <b>R 400.5102(1)</b> add suitability language to be able to screen licensee for CPS registry <b>R 400.5102a(4)(6) subrule (4)</b> current wording inconsistent with subrule (1) and subrule (6) timeframe needed for SIDS/SBS training <b>R 400.5103a(1)</b> clarify that school age programs do not need lead caregivers <b>R 400.5105(2)</b> change rule title to “Supervision and ratio requirement for clarity to licensees and subrule (2) add language to clarify rule applies to school age children, R 400.5117(14) clarify any school playground may be exempt from (7) and (8) <b>R 400.5202a(6)</b> correct reference from 5202, which is rescinded to 5202a <b>R 400.5302(2)(c)</b> clarify need for age appropriate CPR <b>R 400.5307(2)(e)</b> clarify need for age appropriate CPR] Child Day Care Licensing—Child Care Center Rules.</p>
<p>Rules to be <b>rescinded</b> between July 1, 2006 and June 30, 2007 [Give brief description]</p>	<p><b>[R400.5101-R400.5940] Child Care Centers</b> <b>R 400.5101(b)(vi)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5102(1)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5102a(4)(6)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5103a(1)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5105(2)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5117(14)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5202a(6)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5302(2)(c)</b> Current rule would be rescinded to reflect deletions, and additions, <b>R 400.5307(2)(e)</b> Current rule would be rescinded to reflect deletions, and additions]</p>
<p>Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.</p>	<p>The office has exercised all of its statutory rulemaking authority.</p>

Department:  
Bureau or Office Name:  
Section:

**Department of Human Services  
Office of Children and Adult Licensing  
Division of Child Welfare Licensing**

<p>Rule(s) to be <b>processed</b> between July 1, 2006 and June 30, 2007. [Give brief description.]</p>	<p><b>[R400.4101 – 400.4666] Child Caring Institutions:</b> Request for rule making approved 6/12/06 to update rules to reflect current best practices. Anticipate public hearings to occur in fall 2007.</p> <p><b>[R400.9101 – 400.9506] Foster Family Homes and Foster Family Group Homes:</b> Amend rules to reflect current practices.</p> <p><b>[R400.11101 – 400.11319] Children’s and Adult Foster Care Camps:</b> Certification of rules by SOAHR; submission to JCAR for review</p> <p><b>[R400.12101 – 400.12713] Child Placing Agencies:</b> Amend rules to reflect current practices</p>
<p>Rules to be <b>rescinded</b> between July 1, 2006 and June 30, 2007 [Give brief description]</p>	<p><b>[R400.4101 – 400.4666] Child Caring Institutions:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R400.9101 – 400.9506] Foster Family Homes and Foster Family Group Homes:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R400.11101 – 400.11319] Children’s and Adult Foster Care Camps:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p> <p><b>[R400.12101 – 400.12713] Child Placing Agencies:</b> Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.</p>
<p>Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.</p>	<p>The office has exercised all of its statutory rulemaking authority.</p>